

## **SAMPLE CONTRACT/SOLICITATION LANGUAGE**

### **Consider the Following Sample Contract/Solicitation Language When Acquiring EIT**

DOC is on record as supporting government-wide Section 508 implementation via uniform FAR provisions and clauses. However, at present, there are no Section 508 provisions or clause in the FAR. Contracting officers may wish to consider using or adapting the following suggested language in their EIT contract documents. Please refer to Section 508 FAQs for more information.

#### **a. For Section C - Description/Specifications/Statement of Work**

The government needs to advise offerors and contractors that the Section 508 requirements apply to EIT acquisitions. The following sample language was developed by our Office of General Counsel: (Check the standards that apply)

Section 508 Accessibility (DOC OGC 6/21/01)

All Electronic and Information Technology (E/T), as defined at FAR 2.101, supplied under this contract, must conform to the Architectural and Transportation Barriers Compliance Board Electronic and Information Technology Accessibility Standards (36 CFR Part 1194). The applicable standards are available at <http://www.access-board.gov/sec508/guide/index.htm>.

The following standards have been determined to be applicable to this contract:

- 1194.21 Software applications and operating systems
- 1194.22 Web-based intranet and internet information and applications
- 1194.23 Telecommunications products
- 1194.24 Video and multimedia products
- 1194.25 Self contained, closed products
- 1194.26 Desktop and portable computers

#### **b. For Section M - Evaluation Factors for Award**

Consistent with Section 508 FAQ E.4, agencies should consider drafting solicitations in a way that they may accept a product or service that partially meets the applicable technical provisions if no product is available that meets all applicable technical provisions; they should also indicate that products that provide equivalent facilitation will be considered along with those that meet the applicable specific technical standards of the Access Board standards. The following is from Section 508 FAQ E.4's "strawman" language (the title is ours):

#### **Evaluation of Offers: E/T Acquisitions (from Section 50B FAQ E.4 6/20/01)**

To be considered eligible for award, offerors must propose goods and/or services that meet the applicable provisions of the Access Board's standards as identified by the agency. Alternatively, offerors may propose goods and/or services that provide equivalent facilitation. Such offers will be considered to have met the provisions of the Access Board's standards for the feature or component providing equivalent facilitation. If none of the offers that meet all applicable provisions of the Access Board's standards could be accepted without imposing an undue burden upon the agency or component, or if none of the offerors propose goods or services that fully meet all of the applicable Access Board's provisions, those offerors whose products or services meet some of the applicable provisions will be considered eligible for award.

Award will not be made to an offeror meeting all or some the applicable Access Board provisions if award would impose an undue burden on the agency.